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Matthew K Ryan Frommer Lawrence & Haug 745 Fifth Avenue New York, NY 10151			CULLER, JILL E	
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/543,051

Filing Date: July 21, 2005

Appellant(s): IWAMOTO ET AL.

Thomas F. Presson
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed August 11, 2008 appealing from the Office action mailed January 11, 2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,699,731	Hara	12-1997
4,639,776	Foerster et al.	1-1987

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 9 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,699,731 to Hara in view of U.S. Patent No. 4,639,776 to Foerster et al.

With respect to claims 7 and 11, Hara teaches an ink supply system, 39, comprising an ink supply means which supplies ink in an ink container to an ink fountain where the ink is temporarily stored between a first point in time when the ink is discharged from the ink container and a second point in time when the ink is supplied to

an inner peripheral surface of a printing drum, 37, see column 6, lines 43-51, an ink amount detecting means, 141, which outputs an ink supply starting signal when the amount of ink in the ink fountain supplied by the ink supply means becomes smaller than a predetermined first threshold value and an ink supply terminating signal when the amount of ink in the ink fountain becomes not smaller than a predetermined second threshold value, see column 7, line 50 - column 8, line 3, a time measuring means which measures an elapsed time from the time the ink supply starting signal is output from the ink amount detecting means, an empty ink container recognizing means which recognizes that the ink container is exhausted when the elapsed time measured by the time measuring means becomes longer than a predetermined inkless time before the ink supply terminating signal is output, and an ink supply control means which starts the ink supply means supplying the ink in response to the ink supply starting signal and stops the ink supply means from supplying the ink in response to the ink supply terminating signal, see column 10, lines 4-18, and the improvement comprises an empty ink container recognizing means which reads out data from the ink container corresponding to the kind of ink in the ink container and sets the inkless time on the basis of this data. See column 11, lines 14-42

Hara does not teach that the empty ink container recognizing means reads out numeric information from a storage means which is provided on the ink container to store numeric information.

Foerster et al. teaches an ink supply system which reads numerical data from storage means, 6, provided on ink containers, 5, to store numeric information. See column 2, lines 22-29.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the system of Hara to include data storage means on the ink containers, as taught by Foerster et al. in order to be able to use the numerical data stored in the storage means to operate more accurately.

With respect to claims 9 and 12, Hara teaches that the kind of the ink represents the viscosity of the ink. See column 4, lines 6-8.

(10) Response to Argument

In response to applicant's argument with respect to claim 7, that neither Hara nor Foerster teach or suggest storing numerical information for setting the inkless time on a storage means provided on the ink container, the empty ink container recognizing means reading out numeric information from the storage means, it is agreed that neither of these references teach this limitation when considered individually. However, Hara teaches reading information regarding the quantity of the ink in the ink pool section and reading out the information to determine whether the ink container is empty. (See column 7, line 50 - column 8, line 3) Foerster teaches storing numerical information on a storage means provided on an ink container and reading out this numerical information to determine the status of an inking process. (See column 2, lines 22-29.)

It would be obvious to one having ordinary skill in the art to combine these teachings and store and read the information of Hara in a numerical form, as taught by Foerster, in order to provide a more precise measure of the remaining ink, rather than the on or off signal suggested by Hara.

In response to applicant's argument with respect to claims 9, 11 and 12, that they are patentable for substantially the same reasons that claim 7 is patentable, the argument is rejected as detailed in the above rejection of the argument with respect to claim 7.

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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Jill E. Culler

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